



Substitute House Bill No. 6894

Public Act No. 15-130

AN ACT CONCERNING THE SAFEGUARDING OF FUNDS FOR RESIDENTS OF CERTAIN LONG-TERM CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 19a-551 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

Each nursing home facility and residential care home shall: (1) On or before the admission of each [patient] resident provide such [patient] resident or such [patient's] resident's legally liable relative, guardian or conservator with a written statement explaining such [patient's] resident's rights regarding the [patient's] resident's personal funds and listing the charges that may be deducted from such funds. Such statement shall explain that the nursing home facility or residential care home shall on and after October 1, 1992, pay interest at a rate not less than four per cent per annum and on and after October 1, 1994, pay interest at a rate not less than five and one-half per cent per annum on any security deposit or other advance payment required of such [patient] resident prior to admission to the nursing home facility or residential care home. In the case of [patients] residents receiving benefits under Title XVIII or XIX of the federal Social Security Act the statement shall include a list of charges not covered by said titles and not covered by the basic per diem rate provided by said

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titles. Upon delivery of such statement the person in charge of the nursing home facility or residential care home shall obtain a signed receipt acknowledging such delivery; (2) upon written consent or request of the [patient] resident or the [patient's] resident's legally liable relative, guardian or conservator, manage such [patient's] resident's personal funds, provided such consent by a [patient] resident shall not be effective unless cosigned by the [patient's] resident's legally liable relative or guardian if such [patient] resident has been determined by a physician to be mentally incapable of understanding and no conservator has been appointed. As manager of such personal funds the nursing home facility or residential care home shall: (A) Either maintain separate accounts for each [patient] resident or maintain an aggregate trust account for [patients'] residents' funds to prevent commingling the personal funds of [patients] residents with the funds of such facility or residential care home. Such facility or residential care home shall notify in writing each [patient] resident receiving Medicaid assistance or such [patient's] resident's legally liable relative, guardian or conservator when the amount in the [patient's] resident's account reaches two hundred dollars less than the dollar amount determined under the Medicaid program as the maximum for eligibility under the program and advise the [patient] resident or such [patient's] resident's legally liable relative, guardian or conservator that if the amount in the account plus the value of the [patient's] resident's other nonexempt resources reaches the maximum the [patient] resident may lose his or her Medicaid eligibility; (B) obtain signed receipts for each expenditure from each [patient's] resident's personal funds; (C) maintain an individual itemized record of income and expenditures for each [patient] resident, including quarterly accountings; and (D) permit the [patient] resident or the [patient's] resident's legally liable relative, guardian or conservator, and the regional long-term care ombudsman, and representatives from the Departments of Social Services and Public Health, access to such record; and (3) (A) refund any overpayment or deposit from a former

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[patient] resident or such [patient's] resident's legally liable relative, guardian or conservator not later than thirty days after the [patient's] resident's discharge and (B) refund any deposit from an individual planning to be admitted to such facility or residential care home not later than thirty days after receipt of written notification that the individual is no longer planning to be admitted. A refund issued after thirty days shall include interest at a rate of ten per cent per annum. For the purposes of this section "deposit" shall include liquidated damages under any contract for pending admission.

Sec. 2. Section 19a-552 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2015*):

(a) Any person who violates any provision of section 19a-551 shall be guilty of a class A misdemeanor.

(b) Any [patient] resident of a nursing home or residential care home or [his] such resident's legally liable relative, guardian or conservator may bring an action in the Superior Court for any violation of section 19a-551, as amended by this act. Any nursing home facility or residential care home determined by the court to be in violation of any provision of said section shall be liable to the injured party for treble damages.

Approved June 23, 2015